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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TEJASWINI HOSALI and WILLIAM JOHN REILLY

Appeal 2010-010995
Application 10/091,827
Technology Center 3600

Before: ANTON W. FETTING, JOSEPH A. FISCHETTI and
MICHAEL W. KIM, *Administrative Patent Judges.*

KIM, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal from the final rejection of claims 1-12, 23 and 24. We have jurisdiction to review the case under 35 U.S.C. §§ 134 and 6 (2002).

The claimed invention is directed to systems and methods for dynamically routing an object through an organization's workflow system (Spec. 1:7-9). Claim 1, reproduced below, is further illustrative of the claimed subject matter.

1. A processor-implemented method of routing an object through a workflow system, comprising:
 - parsing the object into portions that are likely to follow different workflow paths;
 - examining information and an organizational structure contained in each parsed portion;
 - based on examined information and organizational structure, determining an appropriate destination for the object at a lowest possible granularity level within the organizational structure; and
 - routing the object to the appropriate destination.

Claims 23 and 24 stand rejected under 35 U.S.C. § 112, second paragraph for indefiniteness; claims 1-4, 8-9, 11-12, and 22-24 stand rejected under 35 U.S.C. § 102(e) as anticipated by Bacon, and claims 5-7 and 10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Bacon.

We AFFIRM-IN-PART.

ISSUES

Did the Examiner err in asserting that claims 23 and 24 are indefinite? The issue turns on whether the Specification identifies sufficient structure to correspond to the "means" recited in independent claim 23.

Did the Examiner err in asserting that Bacon anticipates the subject matter of independent claim 1? The issue turns on whether Bacon discloses “determining the appropriate destination for the object at a lowest possible granularity level within the organization.” Independent claims 12 and 23 recite similar subject matter.

FINDINGS OF FACT

We adopt the Examiner’s findings of fact, as set forth on pages 15-16 of the Examiner’s Answer.

ANALYSIS

112 Rejection

We are persuaded the Examiner erred in asserting that claims 23 and 24 are indefinite (Reply Br. 2-4). We agree with Appellants that Figure 2 and page 7, line 14 through page 8, line 20 of the Specification provide a sufficient algorithm for performing the means recited in independent claim 23. *See Finisar Corp. v. DirecTV Grp., Inc.*, 523 F.3d 1323, 1340 (Fed. Cir. 2008) (citation omitted) (“[T]he patent must disclose, at least to the satisfaction of one of ordinary skill in the art, enough of an algorithm to provide the necessary structure under § 112, ¶ 6. . . . [A] patentee [may] express that algorithm in any understandable terms including as a mathematical formula, in prose, or as a flow chart, or in any other manner that provides sufficient structure”).

Prior Art Rejections

We are not persuaded the Examiner erred in asserting that Bacon anticipates the subject matter of independent claim 1 (App. Br. 8-13; Reply Br. 4-5). We agree with and adopt the Examiner's rationale, as set forth on pages 15-16 of the Examiner's Answer. Bacon discloses routing "work item 117 to the appropriate actors, such as agents 120, clients 130, or possibly work group (not shown) where an activity is performed" (col. 4, ll. 52-55). The place where the activity is actually performed on work item 117 is the "lowest possible granularity within the organization," as recited in independent claim 1.

For at least these reasons, we also sustain the rejections of independent claims 12 and 23, as well as dependent claims 2-11 and 24.

DECISION

The rejection of claims 23 and 24 under 35 U.S.C. § 112, second paragraph, is REVERSED.

The rejections of claims 1-12, 23 and 24 under 35 U.S.C. § 103(a) is AFFIRMED.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

MP